



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	Council (Justice and Home Affairs on 27-28 October 2011)
Subject:	Common European Asylum System = State of play/certain issues

Common European Asylum System – State of Play

Completing the Common European Asylum System (CEAS) by 2012 remains one of the primary objectives of the EU institutions in the area of Justice and Home Affairs.

The Dublin Regulation has been one of the core topics of discussion at both the informal meeting of Ministers of the Interior in Sopot on 18 July and at the Justice and Home Affairs Council of 22 September 2011. The Presidency drew three main conclusions from these discussions:

1. An overwhelming majority of delegations considered that the Union's asylum *acquis* should not include a system for the suspension of transfers carried out in the framework of the Dublin Regulation. The main concerns of the delegations related to the creation of an additional pull factor and the uneven level of implementation of the *acquis* throughout the EU;

2. The delegations stated their interest in principle in the development of the Union's early warning and preparedness capacity in respect of asylum crises, comprising gradual steps to be taken in order to address in a timely way potential crises stemming from both internal and external factors, as well as envisaging a concrete outcome of the process. They emphasised the importance of operational cooperation in this respect as well as the central role that should be afforded to EASO, as regards gathering and exchanging information and in assessing the needs of the Member States subject to particular pressure, in accordance with its mandate. Delegations requested that the Presidency work on the way in which the early warning and preparedness capacity could be developed; and
3. All delegations agreed that solidarity is a pivotal element in the CEAS and that solidarity and mutual trust go hand in hand. Genuine and practical solidarity should in no way turn into unconditional help for Member States not showing the necessary will or effort to properly apply the *acquis*, thereby having *inter alia* accumulated a backlog of cases.

These conclusions have guided the Presidency's efforts since 22 September 2011. On the basis of these findings, the Presidency, together with the incoming Danish Presidency, presented at the Strategic Committee on Immigration, Frontiers and Asylum (hereinafter 'SCIFA') a document outlining a process for early warning, preparedness and management of asylum crises (Doc. 15055/11). Work on this matter will continue in November on the basis of a text proposal presented by the Presidency.

The Presidency presented compromise proposals concerning the Draft Recast of the Asylum Procedures Directive. The proposals were the subject of a discussion at expert level on 5 October 2011. The Presidency will draft further compromise proposals which will be discussed at expert level in November.

On 18 October, the Asylum Working Party also examined a series of compromise proposals concerning the Draft Recast of the Reception Conditions Directive. The Presidency considers that these negotiations are moving forward constructively and looks forward to tackling the key political issues of the draft instrument.

Work on the Eurodac Regulation is on hold. The overwhelming majority of delegations maintains its support for inserting a clause in the EURODAC Regulation enabling Member States to allow their law enforcement authorities' access to the EURODAC central database under strict conditions for the purposes of fighting terrorism and organised crime.

The only outstanding issue preventing the adoption of the draft Recast of the Qualifications Directive is the correlation table question. The horizontal political agreement on this matter between the Council and the Commission was endorsed by the European Parliament on 20 October 2011 thereby enabling the adoption of the position of the European Parliament at first reading by the Plenary during the Parliamentary session of 24-27 October 2011.

The Presidency considers that negotiations on the various instruments that make up the CEAS is moving forward constructively and looks forward to continuing its intensive work on the matter with a view to a further discussion at the December Justice and Home Affairs Council and to opening trilogues with the European Parliament before the end of 2011 on those instruments where a common Council position could be established.
